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Fax: (623) 561-0012

June 1, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED & INSPECTED

JUN 17 2004

FCC - MAILROOM

ORIGINAL

Re: Unsolicited Facsimile Advertising Rules, CG Docket No. 02-278

Dear Ms. Dortch,

I am a small business owner in the Phoenix, Arizona area. I started my computer consulting firm in early 1993, am still home based, and have accumulated sales of over \$20 million. We provide PC techs and programmers in the field for on-site client support. I do much of my work via fax and email; I used to use the mail quite a bit, but the cost of postage has forced me to use faxing and email more.

I understand that some businesses receive numerous unsolicited faxes (myself included), but there are legitimate faxes I receive that are both planned (I know they're coming) and unplanned (either information I want to see or from a client or vendor).

Requiring that the sending party first ask the receiving party for written permission prior to sending any fax adds a huge unnecessary burden, especially for small business. As a successful home based business, I run my business quite efficiently with extremely limited resources. Quite frankly, as my time and resources are very limited, I can put them to better use running my business, hiring more employees (who work from their home), creating more jobs, producing more sales which leads to more taxes being paid, etc.

Specifically, the "do-not-fax" rules would require businesses to gain signed written permission from recipients before sending them commercial faxes (and the permission form may not be faxed). I would no longer be able to fax material based on the common-sense understanding that the recipient is a customer; vendors (where I'm the customer) would no longer be able to send me information without my prior consent.

For example:

- I receive about 25 to 30 "good" faxes per week. Some are time sheets or invoices faxed to me by sub contractors I use (who fall into the "need permission first" category), perhaps my printer or an advertising rep showing me a proof for work or for an advertisement or directory listing, a client requesting a W-9 form,

No. of Copies rec'd _____
List ABCDE _____

someone who's email is down and is sending me a fax note asking for service, and more.

A fair amount of faxes are sent to me by my own techs at a client site testing a new fax machine/computer setup (coming from the client site, I would be required to obtain written permission before they could send me a test fax).

Due to the nature of my business, PC service and repair, besides our regularly scheduled maintenance service calls, we are called when there is a problem. There is no time to mail a permission letter, get it signed and have it mailed back. Based on this new ruling I will be losing business. When a new client calls for a fax problem, I would be unable to respond as my tech would not be able to test it. This type of service call ends up typically being about 2 hours; that's \$250; we are generally setting up faxes for new clients about 10 times a month; Will you be sending me the \$2,500 I'll be losing?

- While we use email as much as possible, again, since fixing email and fax problems is a good part of what we do, we are faxing to many different numbers during a month; generally, they are not repeat numbers and once the problem is fixed, I may not need to fax to them again for a while.
- Since many times sending someone a fax is a quick way to send a document when needed in a hurry (instead of mailing it), in order to continue to conduct my business I would have to start now sending written permission slips to each of my client/contacts (over 2,000) plus all of my vendors - anyone who I think I may need to ever fax something too (my attorney, my accountant, suppliers, etc.) so I'd be prepared in the event I need to fax something. This seems just a tad bit absurd. I'd be spending over \$1,000 just in postage, plus the cost of the paper, the envelope, and, as we would with any business letter, enclose a business card. Plus my time; I charge \$125 per hour for my time spent helping and advising my clients. I'd be wasting hours, days, and weeks of my time to send out permission letters.

And what about schools? I'm an adjunct faculty member at the local community college; what about needing a copy of something like my class roster? Will they need to get a permission form from me first before they can fax it to me?

- On the other side, if someone wants to fax me something, it just adds to my tremendous amount of daily mail I already get, most of which is junk mail (Can you write some legislation to get rid of junk mail?) Then I have to read the form, sign it, make a copy, fold it, address an envelope, stuff the envelope, seal it, and spend \$.37 for stamp I then have to attach, and then I need to mail it back. This may sound trivial to you, but nothing is trivial and everything is time consuming as a small business owner. As an entrepreneur and small business owner, this is, bluntly, ridiculous.

- Now, what do I do with all the permission letters everyone sends back to me? And the copies of the letters I sent back to them? The past 2 weeks I have spent hours going through my file cabinets to clear out old files and make room for new ones. I filled 12 storage boxes. I don't need more boxes; I have nowhere to put the 12 I just filled.

Therefore, I ask you to please reconsider this legislation. You've already made it a crime for me to use the fax to send flyers to potential clients. From a marketing standpoint, I really liked faxing. I can no longer even use a fax service to do this or I can be fined \$500 (which has already happened) from some overly aggressive attorney. Using faxes to market a small business is easy, cost effective and it got me great results - until I had to stop.

While the intent may have been good to help eliminate unwanted faxes, requiring written permission is not the solution. Making it a crime to send a fax to existing client without written permission is just plain burdensome, unnecessary, unreasonable, silly (and a few other words), and bad business.

Please. Eliminate this "ask me for permission before you can send me a fax" legislation.

Thank-you, in advance, for your attention and consideration regarding this issue. Please feel free to contact me for any further details or information. You can contact me at 623.561.9366 or by email at . And, of course, don't send a fax unless you first send me a letter with a self-addressed stamped self-sealing envelope asking my permission to send it.

Sincerely,



Rochelle Balch
President & CEO
RB Balch & Associates, Inc.
PO BOX 10007
Glendale, AZ 85318

Phone: 623.561.9366
Fax: 623.561.0012

Response to NFIB Questions on Spam Fax Law by: Sherri Barber

- 1) How many different numbers do you fax to in a month?
 - On an average we fax to 120 different numbers each month.
- 2) How would you reach these fax recipients to get them to send you a consent form?
 - Our current customers would need to provide us with a form at the time of their order. This may be an issue because more and more of our business is done over the phone and via e-mail.
- *** We also offer a fax service to walk in customers (ie: They are faxing forms to their insurance company) They would be responsible for providing us with the proper forms. NOTE - This would drastically reduce the number of faxes we send and receive during a month since this is a service that our store provides.
- 3) What would be the cost in personnel hours to obtain consent?
 - There would be none - we would stop offering this service to our customers that we would not have a form for. This would be a HUGE inconvenience for our customers, as well as our company due to the nature of the business that we run. We require signed proofs of all of our printed work.
- 4) How would you store the consent forms once you received them?
 - For internal customers - within our current file for them.For the walk in customers - in another file - I am not sure.
- ****And how long would we be required to keep them on file? 7-5 years or more?!
- 5) How often do begin faxing to new numbers so this would be an ongoing process during the year?
 - YES - CONSTANT!
- 6) If you're the recipient of faxes, would it be a burden to you to have to send a consent form back to the sender before receiving a fax?
 - YES- YES- YES! How are we to get a consent form back to a customer in a timely manner. - SNAIL MAIL or e-mail? What if they don't have e-mail? That defeats the purpose of the fax service as a whole.

Just my comments - I understand the problem faced with the solicitation of business over the fax. I too receive faxes from those who choose to do business by fax and am irritated by them. I feel that there are better ways of dealing with them then by passing a bill over such a large area restricting and punishing those of us who are willing to be honest business owners.

I am a small business owner trying to offer a service to other small business owners. This means that there are times when, as a small business owner, you are unable to run down the street to "sign for a proof of work" because you are the only one working today. My office may be in the same situation and just want to fax a proof and get on with the printing of a job for them. I use my fax service for those who

need it. Having to get a signed consent form, even just in case, seems to be creating needless work.

We also provide a fax service for local people who need to, for example, fax a copy of their insurance card to the doctor's office. These people are just looking for a way to get their needs taken care of in a quick way so they can go home and call the office back and everyone is looking at the same information. OR a student who has lost their ID and mom is faxing a copy of their birth certificate to the college office so they can issue another ID. Passing a bill of this sort would greatly inconvenience many honest people looking for a faster way of communicating.

Myself along with many other honest businesses are trying to provide a service to our customers. I would ask you to consider NOT throwing an entire blanket fix over this fax matter and tying the hands of those of us who are using and not abusing this form of communication. There are many issues and concerns that are not and will not be addressed by a blanket bill.

I appreciate your willingness to read this letter and to take my answers and concerns into your consideration.

Sherri Barber
Printing Etc. Inc.
1135 Lincoln Hwy.
Rochelle, IL 61068
815-562-6151
fax 815-561-8089

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June 1, 2004

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Unsolicited Facsimile Advertising Rules, CG Docket No. 02-278

We provide monthly bookkeeping, accounting and tax services for 95 small businesses in the Indianapolis metropolitan area.

Since we have never publicized our fax number because of confidentiality concerns we really don't have a problem with junk faxes. We provide our fax number only to those with whom we deal directly on a need to know basis.

The biggest concern that we have regarding the new FCC rules will be in getting approval from Internal Revenue Service and state and local taxing agencies to act on behalf of our clients. We are now able to get relatively prompt authorization to deal directly with taxing agencies on behalf of our clients because of our ability to use faxes. If we have to get approval by mail, which I think will be the only alternative, we will have a real problem.

It normally takes weeks to get anything done by mail through any taxing agency. In the meantime, they continue to assess penalties and levy bank accounts, many times erroneously because we cannot intercede on behalf of our clients the way fax communication enables us to do.

Please, please do not allow these rules to take effect. It will have potentially disastrous consequences for small businesses in their dealings with taxing agencies.

Thank you for your help.

COMPREHENSIVE ACCOUNTING SERVICES

Gail F. Piltz



May 25, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Unsolicited Facsimile Advertising Rules, CG Docket No. 02-278

To Whom It May Concern:

Marketing Communication Resource, Inc. is an 18-employee company located in a suburb outside of Cleveland, Ohio. We provide various information, management and distribution services to a wide array of customers. Many of our customers provide us with their customer list to communicate different messages, sales offers, policy changes or general information.


We fax to about 4,000 different numbers per month, if we couldn't fax we would have to use the mail or telephone. Mail would be a less expensive alternative than calling, but would still be dramatically more expensive plus longer to deliver and receive the message. If we had to get a written consent on this number of faxes, the manpower to obtain that would be significant and costly. The other issue is the storage and retrieval of such information. Contacts and numbers change routinely, each time a process would have to be established to gather a written approval.

We are the recipient of some 3,000 to 5,000 faxes per month, our internal process to give our permission would be burdensome and costly. Faxing is our standard mode of business operation. We continually receive and send faxes to our suppliers for sign-offs and approvals. Likewise, we communicate with our customers in the same fashion.

We as any respectable business take precautions to make sure our mode of business operation is agreeable to the people we do business with and also allow them an option to not receive faxes if they prefer not to.

This will have a dramatic impact on all businesses and should not proceed.

Sincerely,



Frank R. Piunno
President

June 1, 2004

Ms. Marlene H. Dortch (Secretary)
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: Unsolicited Facsimile Advertising Rules, CG Docket No. 02-278

Dear Ms. Dortch:

Hello! In response to the questions on behalf of both businesses connected with the fax number 520-803-1255 (S & S Tours and CWS Consulting) is as follows:

1. How many different numbers do you fax to in a month? **(Approximately 25)**
2. How would you reach these fax recipients to get them to send you a consent form? **(By e-mail or by phone?)** By phone or mail, and how much would that cost in phone and postage? **(The recipients need immediate faxes. There is no time to get written Permission and would cost too much.)**
3. What would be the cost in personnel hours to obtain consent? **(4 hours a month for at At least \$40.00 per month)**
4. How would you store the consent forms once you received them? **(File folder-awkward)**
5. How often do begin faxing to new numbers so would this would be an ongoing process during the year? **(New numbers (20) each month)**
6. If you were the recipient of faxes, would it be a burden to you to have to send a consent form back to the sender before receiving a fax? **(Definitely)**

Please feel free to contact me at your convenience.

Sincerely,



Chuck Stilwell